

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Notice of Non-Compliant Amendment of June 1, 2006, wherein:

5 A. It was noted that the response to the Non-Final Office Action dated November 1, 2005 is missing discussion with regards to the rejection of Claims 2 and 10 under 35 U.S.C. § 112, second paragraph; and

B. Claims 2 and 10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter
10 which applicant regards as the invention.

Notice of Non-Compliant Amendment:

The Examiner stated that the response to the Office Action dated November 1, 2005 is
15 missing a discussion with regard to the rejection of Claims 2 and 10 under 35 U.S.C. §112, second paragraph. The Examiner further stated that this missing discussion makes it unclear whether further arguments are meant to be presented by the Applicants in the future, in which case the Examiner maintains the rejection of Claims 2 and 10, or whether the Applicants consider amending the Claims in the future to overcome this rejection.

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Rejections to Claims 2 and 10 presented on the Office Action of November 1, 2005:**35 USC § 112, second paragraph**

In section 6 of the Office Action dated November 1, 2005, the Examiner rejected Claims
25 2 and 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that in Claims 2 and 10, the phrase “such as” renders the Claims 2 and 10 indefinite because it is unclear to the Examiner whether the limitations following the phrase are part of the claimed invention. See MPEP §
30 2173.05(d)

Regarding Claims 2 and 10

Regarding the Examiner's statement that in Claims 2 and 10, the phrase "such as" renders the Claims 2 and 10 indefinite because it is unclear to the Examiner whether the limitations following the phrase are part of the claimed invention, the Applicants sincerely apologize to the Examiner for the Applicants' oversight of this rejection of Claims 2 and 10 during the Applicants previous response to the Non-Final Office Action dated November 1, 2005. Regarding this rejection, the Applicants respectfully request that the Examiner please consider and enter the remarks made below along with the remarks previously presented on the response to the Non-Final Office Action dated November 1, 2005.

The Applicants respectfully submit that the use of the phrase "such as" in Claims 2 and 10 was intended to mean to "the degree or quality indicated by" Postscript files, as applied to the degree or quality of format invariability that the files, generated by the first processing element, should have. The phrase "such as" is defined by the American Heritage Dictionary as, "of a degree or quality indicated." *The American Heritage Dictionary of the English Language, Fourth Edition, Copyright 2000, by the Houghton Mifflin Company*. Thus, the Applicants believe that the use of the word is proper and not indefinite, as the word "such as" clearly defines to what degree or quality of format invariant files are being generated by the first processing element. In other words, the Applicants submit that the first processing element of the present invention converts electronic documents into files, wherein these files are substantially format invariant data files of a degree or quality of format invariability as the degree or quality of format invariability indicated by Postscript files.

For the reasons given above and in light of the fact that the current specification was written in a manner using concise and exact terms, well-known by any person skilled in the art of computer science and electronic document processing, the Applicants respectfully request that the rejection of Claims 2 thru 10 under the second paragraph of 35 U.S.C. § 112 be withdrawn.

Closing Remarks:


The Applicants respectfully submit that, in light of the above remarks, the application and all pending Claims 1-16 are now in allowable condition. Therefore, reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested. In the event that the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either the Applicants or Applicants' representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 50-2738 if a credit card form has not been included with this correspondence, or if the credit card could not be charged.

Respectfully submitted,

7/3/06

Date



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